

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**FILED**

JUN -4 2018

Clerk, U.S. District Court  
Texas Eastern

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BRIDGET DENAE WISE

V.

Civ No. 4:18-CV-0044-ALM-CAN

AUTONATION INC., LEWISVILLE  
IMPORTS, LTD., BANKSTON HONDA

PLAINTIFF(S) OBJECTION TO THE MAGISTRATE JUDGE RECOMMENDATION TO  
SET ASIDE CLERK'S ENTRY OF DEFAULT

I, the Plaintiff, Bridget Wise, have read the report and recommendation of the United States Magistrate Judge and object to the recommendation of setting aside The Clerk's Entry of Default. The Magistrate Judge stated that "And while Plaintiff further argues Defendants' failure to answer was willful, she provides no facts in support of such contention other than her assertion that Defendants had actual notice of this cause. There is simply no indication that setting aside default at this juncture would prejudice Plaintiff." [Dkt. 18]

I object to this because it is simply not true. I am a very fair individual that has no choice but to represent myself due to the cost of proper legal representation for a federal case. I ask that the United States District Judge Amos L Mazzant, III thoroughly review all eighteen documents before ruling in the Defendants favor. The setting aside the entry of default is prejudice towards

the Plaintiff because their failure to answer was willful. Facts were indeed submitted that the Defendants had actual notice of this cause.

The Defendants admitted in their motion to set aside the entry of default that they received notice via email of this cause from the Plaintiff. [Dkt. 15]

The same email that I submitted to this court which shows that Legal Senior Vice President Coleman Edmunds was one of the recipients that received it. In addition, that same email was also forwarded to Lance Iserman (EVP and COO) and Mike Johnson (CEO) later the exact same day. [Dkt. 14]

Local Rule CV -5 Entry of Court Orders 8(D) "Parties may serve copies of pleadings and other case related documents to other parties by facsimile or electronic means in lieu of service and notice by mail. Such service is deemed complete upon sending. Service after 5:00p.m. Central Time shall be deemed served on the following day".

My research has indicated that the email in question that was sent to them qualifies as a case related document, as so stated in Local Rule CV- 5 Entry of Court Orders 8(D). Since the Defendants admitted they received this case related document, then I highly oppose to the Magistrate Judge stating that the Defendants had no actual notice of this cause. Factual submitted evidence finds that statement to be untrue. I feel that once the United States District Judge reads the contents of the case related document that the Defendants claimed to have received, that it will be brought to light that the Defendants indeed had actual notice of this cause.

Also, I opened the lines of communication with the Defendants and their counsel to reach out to me continuously. I strongly feel that had I'd been an attorney, they would have respected me enough to do so. Since I'm not an attorney, I received nothing but their silence and

disrespect. However, they chose to ignore my efforts for proper communication, as well as my pain and suffering. I am just grateful that the Texas Workforce Commission Appeal Tribunal did not ignore me and sided in my favor. I request that the United States District Judge please see that by forcing me to move forward that it will indeed cause mental and physical harm to me personally, as well as a great prejudice towards me. All of this is factual, and all the proper emails and medical documentation has already been submitted to the court supporting my claim. No human medical condition should be ever taken lightly or overlooked at the risk that a situation such as this can make it a lot worse than what it already is. I humbly ask that the United States District Judge seriously consider the impact this will have on me if the entry of default is set aside. AutoNation Inc. is a parent company to many, they can and should be held liable.

Federal Rule of Civil Procedure Rule 61: Harmless Error. "No error in admitting or excluding evidence - or any other error by the court or a party - is ground for granting a new trial, for setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgement or order".

Bridget Wise  
Plaintiff Signature

Bridget Wise  
Print

June 4, 2018  
Date

1100 Meredith Lane #832  
Address

Piano, TX 75093

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded by first class mail [or, delivered in person] to each attorney/party of record on this date: June 4, 2018.

Bridget Wise

Signature of Party

Print Name/Address

Bridget Wise  
1100 Meredith Lane #832  
Plano, TX 75093